

ASSEMBLY BILL

No. 435

**Introduced by Assembly Member Matthews
(Coauthor: Assembly Member Chavez)**

February 14, 2003

An act to amend Sections 626, 1803.5, 1808.7, 11200, 11202, 11202.5, 11208, 11212, 11214, 11215.5, 11216.2, 11219.5, 11222, 41501, 42005, 42005.1, and 42007 of, to add Sections 11205.2 and 11205.3 to, and to repeal and add Sections 11205 and 11205.1 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 435, as introduced, Matthews. Vehicles: traffic violator schools.

(1) Under existing law, a person may have a complaint relating to the safe operation of a vehicle dismissed with a copy of that dismissal forwarded to the Department of Motor Vehicles when a person attends a licensed traffic violator school, licensed driving school, or other court-approved program of driving instruction. Existing law requires traffic violator schools to meet specified criteria, including the requirement that the schools have a specified lesson plan approved by the department.

This bill would allow a court to order any person convicted of a traffic violation to complete a course of traffic safety instruction only at a licensed traffic violator school. The bill would allow a traffic violator school to offer instruction by the classroom method or the home study method, or both, and would specify requirements for each method of instruction. The bill would prohibit any person from operating a school without a current valid license issued by the department for the method

of instruction offered, and would specify qualifications for operators. This bill would allow certain home study programs operating prior to the effective date of the bill to continue operation until a license application has been approved or disapproved by the department, but, in no event, later than April 1, 2005.

This bill would also require the department to approve a traffic violator school lesson plans and curricula.

The bill would require each person participating in a traffic violator school to demonstrate his or her knowledge of course materials through the completion of an exit test, and for the school to verify the identity of the traffic violator. The bill would require traffic violators completing a course of traffic safety instruction by the home study method of instruction to indicate, under penalty of perjury, that they personally completed the course and final examination. The bill would authorize traffic violator schools to charge a \$15 fee for the issuance of a duplicate certificate of completion.

(2) Existing law requires a traffic violator school to file a bond of \$2,000 with the Department of Motor Vehicles.

This bill, instead, would require a traffic violator school that offers only the classroom method instruction to file a bond of \$2,000 and a traffic violator school that offers the home study method of instruction to file a bond of \$15,000.

(3) Under existing law, a court is authorized to take certain actions regarding a traffic violator school's name and the removal of the name from the referral list of traffic violator schools. Existing law requires the approval of the court in each judicial district in which a proposed traffic school owner or traffic classes are to be conducted prior to the school being included on the referral list.

This bill would impose those duties, as revised, on the department rather than the courts and would delete the provisions currently requiring court approval of traffic violator schools. The bill would also require the department to publish a list of the owners and operators of licensed traffic violator schools, by method of instruction offered, with copies provided to the courts, and to publish a separate referral list, updated monthly, to be distributed to the courts and traffic violators.

(4) Existing law authorizes the department to monitor any school for traffic violators.

This bill would require the department to monitor or audit traffic violator schools to the extent specified funding is available. The bill



would require the department to provide staffing for these purposes, as specified.

(5) Existing law currently does not specifically authorize the use of a home study method of traffic safety instruction as a court-approved program or by a traffic violator school.

This bill would specifically authorize traffic violator schools to offer home study methods of instruction if properly licensed by the department.

(6) Existing law authorizes the courts to utilize the services of a nongovernmental agency for traffic violator school administration and monitoring services and charge traffic violators a fee to defray the costs incurred by the agency for providing those services. The fee is limited to the actual cost incurred by the agency or \$5, whichever is less.

The bill would authorize the courts to use public or private nonprofit agencies to provide in court administrative services related to processing traffic violators. This bill would delete the \$5 limitation on the fee amount and would prohibit the nonprofit agencies from performing or duplicating services provided by the department.

(7) Existing law requires the department to charge a fee, based upon a determination made by the department, as specified, which is not to exceed \$3, for each completion certificate issued by a traffic violator school to a person completing instruction in the school. Existing law prohibits a traffic violator school from charging a fee in excess of the fee charged by the department for furnishing a certificate of completion.

This bill would require the department to charge a fee of \$3, to be collected by the court from the traffic violator, and would delete the related provisions that require the department to determine the amount of the fee.

The bill would also delete the above-described fee restriction imposed on traffic violator schools.

(8) Existing law authorizes the department to suspend or revoke a traffic violator school license if, among other things, the school's main business office is in a county with a population of 400,000 or more in which the school conducts its instructional program, and the main business office does not maintain office hours during the time that day courts in that county are open for business.

This bill would delete reference in the authorization based on the size of the county.

(9) Existing law does not specify if a licensed traffic violator school may be required to provide services below their standard fees.



This bill would prohibit a traffic violator school from being required to provide its services below its standard advertised fees.

(10) The bill would make related conforming changes.

(11) Because a violation of certain provisions of the bill would be a crime, the bill would impose a state-mandated local program by creating new crimes and expanding the scope of existing crimes.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The process of developing, approving, and licensing traffic
4 violator schools utilized since 1985 has contributed to a reduction
5 in traffic violations and traffic collisions.

6 (b) Studies of the effectiveness of California traffic violator
7 school programs conducted by the Department of Motor Vehicles,
8 and others, have shown some positive driver safety benefits from
9 violators who have attended and completed a traffic violator
10 school program.

11 (c) To aid in the reduction of traffic violations and traffic
12 collisions, the Department of Motor Vehicles uses a standardized
13 curriculum that is designed to reduce subsequent traffic violations
14 and traffic collisions by those traffic violators attending and
15 completing a traffic violator school program.

16 (d) Studies conducted by state and federal agencies and the
17 National Public Services Research Institute have shown that traffic
18 violator programs that address driver attitude and motivation
19 focused on the reduction of future offenses may materially reduce
20 violations and collisions.

21 (e) Existing court-approved home study programs for traffic
22 violators should be approved, licensed, monitored, and regulated
23 by the Department of Motor Vehicles to provide uniformity of



standards with standards of licensing, regulating, monitoring, and auditing applicable to classroom traffic violator schools. This would ensure a consistent standard of consumer protection for all consumers of traffic safety instruction.

SEC. 2. Section 626 of the Vehicle Code is amended to read:

626. A “traffic violator school” is a business *licensed by the department pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5*, that, for compensation, provides, or offers to provide, instruction in traffic safety, ~~including, but not limited to, classroom traffic violator curricula using either a classroom or home study method of instruction~~, for persons referred by a court pursuant to Section 42005 or to other persons who elect to attend.

SEC. 3. Section 1803.5 of the Vehicle Code is amended to read:

1803.5. Every clerk of a court or hearing officer, when a person who receives a notice to appear at a court or board proceeding for a violation of any statute relating to the safe operation of vehicles is granted a continuance of the proceeding in consideration for ~~attendance at a school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, and which results in a dismissal of the completion of a program of traffic safety instruction at a traffic violator school, and the court dismisses~~ the complaint in consideration ~~for~~ of that ~~attendance completion~~, shall prepare an abstract of the record of the court or board proceeding, certify the abstract to be true and correct, and cause the abstract to be forwarded to the department at its office at Sacramento within 10 days after the complaint is dismissed.

SEC. 4. Section 1808.7 of the Vehicle Code is amended to read:

1808.7. The record of the department relating to the first proceeding and dismissal under Section 1803.5 in any 18-month period for ~~participation completion~~ by a person ~~in a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction~~ of a program of traffic safety instruction at a traffic violator school, is confidential, shall not be disclosed to any person, except a court, and shall be used only for statistical purposes by the department.

SEC. 5. Section 11200 of the Vehicle Code is amended to read:

1 11200. (a) The department shall license *traffic violator*
2 *schools* ~~for that provide a program of traffic safety instruction to~~
3 *traffic violators for purposes of Section 42005 and or to provide*
4 ~~traffic safety instruction to other persons who elect to attend. A~~
5 *licensed traffic violator school may offer traffic safety instruction*
6 *using either a classroom method of instruction or a home study*
7 *method of instruction, or both. A person may not own or operate*
8 *a traffic violator school or, except as provided in Section 11206,*
9 *give instruction for compensation in a traffic violator school*
10 *without a currently valid license issued by the department for that*
11 *method of instruction. A traffic violator school that provides traffic*
12 *safety instruction through a home study method may use any mode*
13 *of traffic safety instruction approved and licensed by the*
14 *department, including, but not limited to, an Internet mode,*
15 *videotape mode, or text-based mode. If the school uses an Internet*
16 *mode, it may not permit advertising of products or services on the*
17 *Web site during any part of the course of instruction. The*
18 *department shall issue a separate license for each method of*
19 *instruction and mode if the applicant meets all other requirements*
20 *set forth in this chapter for each method and mode. The department*
21 *may endorse the license of a traffic violator school owner to show*
22 *that the owner has separately qualified and been issued a separate*
23 *license for each method and mode of traffic safety instruction*
24 *indicated on the license.*

25 (b) A home study program for traffic violators that was
26 approved by a county superior court prior to January 1, 2004, may
27 continue to operate its home study program only in that county
28 until the department has approved or disapproved its application
29 for a license pursuant to this section. Until licensed by the
30 department, a home study program shall not expand its operations
31 into any county where the home study program was not authorized
32 to operate prior to January 1, 2004, by that county's superior
33 court.

34 (c) The owner of a home study program described in
35 subdivision (b) shall submit to the department an application for
36 licensing pursuant to Section 11206.5 no later than April 1, 2004,
37 and shall comply with paragraph (5) of subdivision (a) of Section
38 11202.5. The authority of a home study program, described in
39 subdivision (b), to continue operating without an approved license
40 issued by the department, shall cease on either April 2, 2004, if the

owner fails to submit an application pursuant to this subdivision, or on January 1, 2005, if the owner has submitted an application pursuant to this subdivision, unless, due to special mitigating circumstances, the department extends that authority to a date no later than April 1, 2005.

(d) (1) ~~Any person~~ A nontraffic violator who elects to attend a traffic violator school shall receive from the traffic violator school and shall sign a copy of, *acknowledge, or otherwise indicate agreement to*, the following consumer disclosure statement prior to the payment of the school fee and attending the school:

“Course content is limited to traffic violator curricula approved by the Department of Motor Vehicles. Students in the classroom *may* include traffic offenders, repeat traffic offenders, adults, and teenagers, and those who have and those who have not been referred by a court. Instructor training, business regulatory standards, and Vehicle Code requirements of traffic violator schools ~~are not equal to~~ *may not be identical to* the training, standards, and Vehicle Code requirements of licensed driving schools (California Vehicle Code).”

(2) In the case of a minor who elects to attend a traffic violator school, the minor’s parent or guardian shall sign, *acknowledge, or otherwise indicate agreement to*, the consumer disclosure statement.

(3) A copy of each ~~signed~~ disclosure statement shall be retained by the traffic violator school for a minimum of 36 months.

(4) This subdivision does not apply to persons referred by courts pursuant to Section 42005.

SEC. 6. Section 11202 of the Vehicle Code is amended to read:

11202. (a) Except as provided in subdivision (c), *the owner of* a traffic violator school ~~owner~~ shall meet all of the following criteria before a license may be issued *by the department* for the traffic violator school:

(1) ~~Maintain an established~~ *Establish and maintain* a place of business in this state ~~which~~ *that* is open to the public. No office or place of business of a traffic violator school, including any traffic violator school branch or classroom location, may be situated within 500 feet of any court of law, unless the owner was established at the location on or before July 1, 1984.

(2) Conform to standards established by regulation of the department. In adopting the standards, the department shall consider those practices and instructional programs which may reasonably foster the knowledge, skills, and judgment necessary for compliance with traffic laws. The standards may include, but are not limited to, school personnel, equipment, curriculum, procedures for the testing and evaluation of students, recordkeeping, and business practices.

(3) Procure and file with the department a bond ~~of two thousand dollars (\$2,000)~~ executed by an admitted surety and conditioned upon the applicant not practicing any fraud or making any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant or to the state or any local authority.

(A) *The bond of a traffic violator school that offers only the classroom method of instruction shall be in the amount of two thousand dollars (\$2,000).*

(B) *The bond of a traffic violator school that offers a home study method of instruction shall be in the amount of fifteen thousand dollars (\$15,000).*

(4) ~~Have~~ *A traffic violator school that offers the classroom method of instruction shall have a classroom approved by the department and the proper equipment necessary for giving instruction to traffic violators.*

(5) ~~Have~~ (A) *A traffic violator school that offers the classroom method of instruction shall have a lesson plan approved by the department and provide not less than the minimum instructional time specified in the plan.* ~~An~~ *A traffic violator school that offers a home study method of instruction shall have its curriculum approved by the department and provide not less than the minimum instructional time specified in the plan.*

(B) *An approved lesson plan for a classroom method of instruction shall provide a minimum of 400 240 minutes of traffic safety instruction for traffic violators, except that a lesson plan for instructing persons under the age of 18 may shall provide a minimum of 600 360 minutes of traffic safety instruction. A department approved curriculum for a home study method of instruction shall contain no less than 40,000 words and be educationally equivalent to the instruction provided by the classroom method of instruction. Until the department develops*

1 *additional regulations related to the lesson plan and curriculum,*
2 *traffic violator schools and court-approved home study programs,*
3 *operating on the effective date of the act amending this section in*
4 *the 2003–04 Regular Session, may continue to use their respective*
5 *existing lesson plans and minimum 40,000 word curricula to meet*
6 *the minimum instructional requirement.*

7 (C) *The department shall require each traffic violator school*
8 *that uses the home study method of instruction to use the necessary*
9 *means, methods, and technology to ensure that each user of a home*
10 *study method of instruction completes the entire home study course*
11 *of instruction. The means, methods, and technologies to be used*
12 *by the home study program to ensure that the traffic violator does,*
13 *in fact, complete the entire home study course of instruction shall*
14 *be satisfactorily demonstrated to the department prior to the*
15 *department giving its approval to the curriculum of the home study*
16 *method of instruction.*

17 (6) (A) Execute and file with the department an instrument
18 designating the director as agent of the applicant for service of
19 process, as provided in this paragraph, in any action commenced
20 against the applicant arising out of any claim for damages suffered
21 by any person by the applicant's violation of any provision of this
22 code committed in relation to the specifications of the applicant's
23 traffic violator school or any condition of the bond required by
24 paragraph (3).

25 (B) The applicant shall stipulate in the instrument that any
26 process directed to the applicant, when personal service cannot be
27 made in this state after due diligence, may be served instead upon
28 the director or, in the director's absence from the department's
29 principal offices, upon any employee in charge of the office of the
30 director, and this substituted service is of the same effect as
31 personal service on the applicant. The instrument shall further
32 stipulate that the agency created by the designation shall continue
33 during the period covered by the license issued pursuant to this
34 section and so long thereafter as the applicant may be made to
35 answer in damages for a violation of this code for which the surety
36 may be made liable or any condition of the bond.

37 (C) The instrument designating the director as agent for service
38 of process shall be acknowledged by the applicant before a notary
39 public.

(D) If the director or an employee of the department, in lieu of the director, is served with a summons and complaint on behalf of the licensee, one copy of the summons and complaint shall be left with the director or in the director's office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars (\$5) shall also be paid to the director or employee at the time of service of the copy of the summons and complaint, or shall be included with a summons and complaint served by mail.

(E) The service on the director or department employee pursuant to this paragraph is sufficient service on the licensee if a notice of the service and a copy of the summons and complaint is, on the same day as the service or mailing of the summons and complaint, sent by registered mail by the plaintiff or his or her attorney to the licensee. A copy of the summons and complaint shall also be mailed by the plaintiff or plaintiff's attorney to the surety on the licensee's bond at the address of the surety given in the bond, postpaid and registered with request for return receipt.

(F) The director shall keep a record of all processes served pursuant to this paragraph showing the day and hour of service, and shall retain the documents served in the department's files.

(G) If the licensee is served with process by service upon the director or a department employee in lieu of the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, if the licensee is served with process by service upon the director or a department employee in lieu of the director, the service is considered to have been made upon the licensee in the county in which the licensee has or last had his or her established place of business.

(7) *Have a name approved by the department pursuant to Section 11205. However, a licensed traffic violator school holding a valid license on January 1, 2004, or a court-approved home study program may continue to use its name without applying to the department for approval pursuant to Section 11205.*

(8) Meet the requirements of Section 11202.5 and subdivision (b) of Section 11208, relating to traffic violator school operators, if the owner is also the operator of the traffic violator school. If the owner is not the operator of the traffic violator school, the owner shall designate an operator who shall meet the requirements of Section 11202.5.

~~(8)~~

(9) Provide the department with a written assurance that the school will comply with the applicable provisions of Subchapter II or III of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.), and any other federal and state laws prohibiting discrimination against individuals with disabilities. Compliance may include providing sign language interpreters or other accommodations for students with disabilities.

(b) The qualifying requirements specified in subdivision (a) shall be met within one year from the date of application for a license, or a new application and fee is required.

(c) Paragraphs (3) and (6) of subdivision (a) do not apply to public schools or other public agencies, which shall also not be required to post a cash deposit pursuant to Section 11203.

(d) Paragraph ~~(7)~~ (8) of subdivision (a) does not apply to public schools or other public educational institutions.

(e) A notice approved by the department shall be posted in every traffic violator school, branch, *office*, and classroom location ~~stating~~. *In the case of a traffic violator school that offers a home study method of instruction, the notice shall be provided to a person prior to permitting that person to start the home study course of instruction. The notice shall state that any person involved in the offering of, or soliciting for, a completion certificate for attendance at a traffic violator school program in which the person does not attend or does not complete the minimum amount of instruction time provided by subdivision (a) may be guilty of violating Section 134 of the Penal Code.*

SEC. 7. Section 11202.5 of the Vehicle Code is amended to read:

11202.5. (a) The department shall license traffic violator school operators *as a classroom method operator or home study method operator, or both*. No person may act as a traffic violator school operator without a currently valid license issued by the department. *A person may apply for one or more types of an operator license for a traffic violator school. The department shall separately issue licenses for each type of traffic violator school.* Every person, in order to qualify as a traffic violator school operator, shall meet ~~all~~ *each* of the following *applicable* criteria in order to be issued a traffic violator school operator's license:

(1) Have not committed any act which, if the applicant were licensed as a traffic violator school operator would be grounds for suspension or revocation of the license.

(2) Within three attempts, pass an examination that the department requires on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, traffic violator school statutes and regulations, and office procedures and recordkeeping.

(3) Be 21 years of age or older.

(4) Have ~~worked~~ *done either of the following:*

(A) *Worked* for an established California traffic violator school, an established California driving school licensed under Chapter 1 (commencing with Section 11100) of Division 5, or an established commercial driving training and education program operated by a bona fide labor organization as an instructor for a period of not less than 500 hours of actual in-class instruction.

(B) *Worked for not less than 1,500 hours as an owner, officer, or general manager of a licensed traffic violator school, or a court-approved home study program in business and operating on January 1, 2004.*

(5) *A home study program that continues to operate pursuant to subdivision (c) of Section 11200 shall, during the pendency of its application pursuant to that subdivision, have a person become a validly licensed home study method of instruction operator by no later than April 1, 2004.*

(6) *If the person has applied for a license as a classroom institution method operator, he or she shall hold a valid license as a traffic violator school instructor issued pursuant to Section 11206.*

(b) ~~Paragraph~~ *Paragraphs (4) and (6) of subdivision (a) does* do not apply to a traffic violator school operator validly licensed prior to January 1, 1987.

(c) ~~At~~ *Except as otherwise provided in this section, all of the* qualifying requirements specified in this section shall be met within one year from the date of application for the license or the application shall lapse. However, the applicant may thereafter submit a new application upon payment of the required fee.

SEC. 8. Section 11205 of the Vehicle Code, as amended by Section 455.5 of Chapter 931 of the Statutes of 1998, is repealed.

1 ~~11205. (a) The department shall publish a traffic violator~~
2 ~~school referral list of all the approved locations of traffic violator~~
3 ~~school classes, by school name, to be transmitted to each municipal~~
4 ~~court in the state, and to each superior court in a county in which~~
5 ~~there is no municipal court, in sufficient quantity to allow the~~
6 ~~courts to provide a copy to each person referred to traffic violator~~
7 ~~school. The list shall be revised at least twice annually and~~
8 ~~transmitted to the courts by the first day of January and the first day~~
9 ~~of July. It shall include all of the following:~~

10 ~~(1) The name of each traffic violator school or, pursuant to~~
11 ~~subdivision (d), the general term “traffic violator school”~~
12 ~~followed by its traffic violator school license number.~~

13 ~~(2) A phone number used for student information.~~

14 ~~(3) The county and the judicial district.~~

15 ~~(4) The cities where classes are available.~~

16 ~~(b) Each traffic violator school owner shall be permitted one~~
17 ~~school name in a judicial district.~~

18 ~~(c) The list shall be organized alphabetically in sections for~~
19 ~~each county and subsections for each judicial district within the~~
20 ~~county. The order of the names within each judicial district shall~~
21 ~~be random pursuant to a drawing or lottery conducted by the~~
22 ~~department.~~

23 ~~(d) On the list prepared by the department under subdivision~~
24 ~~(e), each traffic violator school shall appear by name unless a court~~
25 ~~determines, pursuant to subdivision (e), that a name is~~
26 ~~inappropriate and directs the department to delete the name and~~
27 ~~instead list the school by the term “traffic violator school”~~
28 ~~followed by its license number. The deletion of the name of a~~
29 ~~school from the list for a judicial district shall not affect whether~~
30 ~~that school appears by name on the list for any other judicial~~
31 ~~district within the state. In making a determination under this~~
32 ~~subdivision regarding the deletion of a name from the list, the court~~
33 ~~shall use as its criteria whether the name is misleading to the~~
34 ~~public, undignified, or implies that the school offers inducements~~
35 ~~or premiums which derogate or distort the instructional intent of~~
36 ~~the traffic safety program.~~

37 ~~(e) When the department transmits any referral list pursuant to~~
38 ~~subdivision (a), each court shall do all of the following:~~

1 ~~(1) Within 30 days of receipt of the list, notify the school owner~~
2 ~~of any school name that the court intends to remove from the~~
3 ~~referral list.~~

4 ~~(2) Within 60 days of receipt of the list, make every effort to~~
5 ~~schedule, conduct, and complete a hearing for the school owner,~~
6 ~~or a representative, if requested, at which the sole issue shall be~~
7 ~~whether the name violates the standards set forth in subdivision~~
8 ~~(d). A substitute name may be submitted to the court at the~~
9 ~~conclusion of the hearing, pursuant to subdivision (h).~~

10 ~~(3) Within 10 days of the completion of that hearing, notify the~~
11 ~~department and school owner of any school names it intends to~~
12 ~~remove from the referral list.~~

13 ~~(f) In order for a court action to delete a school name from the~~
14 ~~next referral list published by the department, the department shall~~
15 ~~receive court notification no later than 90 days prior to publication~~
16 ~~of the next referral list and, absent a direct order by the appellate~~
17 ~~division of the superior court or a court of higher jurisdiction, the~~
18 ~~department shall not fail to publish a referral list on the grounds~~
19 ~~that there exists pending litigation or appeals concerning the lists.~~

20 ~~(g) Any court notifying the department of a school name it~~
21 ~~intends to remove from the list, pursuant to this section, shall~~
22 ~~provide the school owner with the name of the judge making those~~
23 ~~findings.~~

24 ~~(h) When a court informs a school owner, pursuant to~~
25 ~~subdivision (e), of its decision to delete the name of a traffic~~
26 ~~violation school from that judicial district's subsection of the~~
27 ~~department's traffic violation school referral list, the owner may, on~~
28 ~~a form approved by the department, submit a substitute name to the~~
29 ~~court and request approval of that name. The court shall, within 30~~
30 ~~days of receipt of the request for approval of the substitute name,~~
31 ~~inform the department and the school owner, on a form approved~~
32 ~~by the department, of its approval or rejection of the substitute~~
33 ~~name. The school owner may continue this appeal process for~~
34 ~~approval of a substitute name until the court determines that the~~
35 ~~name does not violate the standard set forth in subdivision (d). A~~
36 ~~name approval in a judicial district shall not affect the school's~~
37 ~~name or listing in any other district in the state. The department~~
38 ~~shall not impose any fee or license requirement under this~~
39 ~~subdivision.~~

~~(i) If a court fails to act within 30 days on a request of a traffic violator school owner, pursuant to subdivision (h), the proposed substitute name shall be deemed approved by the court for the purposes of the traffic violator school referral list.~~

~~(j) (1) Every application filed with the department on and after June 1, 1991, for an original license by a traffic school owner or for approval to conduct classes in a judicial district not previously approved, shall be accompanied by the approval of the court in each judicial district proposed for those operations of the name of the school, on a form approved by the department for that purpose. For the approved name to be included in the traffic violator school referral list, the form shall be received by the department no later than 90 days prior to publication.~~

~~(2) When a court disapproves a school name pursuant to this subdivision, the court shall notify the school owner within 30 days of its disapproval and schedule a hearing for that school owner, or a representative, if requested, at which the sole issue shall be whether the name violates the standards set forth in subdivision (d). A substitute name may be submitted to the court at the conclusion of the hearing, pursuant to subdivision (h).~~

~~(3) The court shall make every effort to schedule, conduct, and complete a hearing within 60 days of receipt of the school owner's request for a school name approval. A name approval in a judicial district shall not affect the school's name or listing in any other district in the state. A change in physical location by a school within a judicial district shall not require approval pursuant to this subdivision.~~

~~(k) The department shall publish a list of the owners of traffic violator schools. One copy shall be provided to each municipal court in the state, and to each superior court in a county in which there is no municipal court. This list shall be revised at least twice annually and transmitted to the courts by the first day of January and the first day of July. This list shall include all of the following:~~

- ~~(1) The name of each school, grouped by owner.~~
- ~~(2) The business office address.~~
- ~~(3) The business office telephone number.~~
- ~~(4) The license number.~~
- ~~(5) The owner's name.~~
- ~~(6) The operator's name.~~

~~(l) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current list of traffic violator schools published by the department when it orders a person to complete a traffic violator school pursuant to subdivision (a) or (b) of Section 42005 or, when a court utilizing a nonprofit agency for traffic violator school administration and monitoring services in which all traffic violator schools licensed by the department are allowed the opportunity to participate, a statewide referral list may be published by the nonprofit agency and distributed by the court. The agency shall monitor each classroom location situated within the judicial districts in which that agency provides services to the courts and is represented on its referral list. The monitoring shall occur at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis.~~

~~(m) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1996, the fee shall not exceed the actual cost incurred by the agency or five dollars (\$5), whichever is less.~~

~~(n) If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991-92 Regular Session, or the application thereof to any person, is held to be unconstitutional, this section is repealed on the date the decision of the court so holding becomes final.~~

SEC. 9. Section 11205 of the Vehicle Code, as amended by Section 456 of Chapter 931 of the Statutes of 1998, is repealed.

11205. (a) The department shall publish semiannually, or more often as necessary to serve the purposes of this act, a list of all traffic violator schools which are licensed pursuant to this section. The list shall identify classroom facilities within a judicial district that are at a different location from a licensed school's principal facility. The department shall transmit the list to each municipal court and to each superior court in a county in which there is no municipal court, with a sufficient number of copies to allow the courts to provide one copy to each person referred to a licensed traffic violator school. The department shall, at least semiannually, revise the list to ensure that each court has a current list of all licensed traffic violator schools.

1 ~~(b) Each licensed traffic violator school owner shall be~~
2 ~~permitted one school name per judicial district.~~

3 ~~(c) The referral list shall be organized alphabetically, in~~
4 ~~sections for each county, and contain subsections for each judicial~~
5 ~~district within the county. The order of the names within each~~
6 ~~judicial district shall be random pursuant to a drawing or lottery~~
7 ~~conducted by the department.~~

8 ~~(d) Except as otherwise provided in subdivision (d) of Section~~
9 ~~42005, the court shall use either the current referral list of traffic~~
10 ~~violator schools published by the department when it orders a~~
11 ~~person to complete a traffic violator school pursuant to subdivision~~
12 ~~(a) or (b) of Section 42005 or, when a court utilizing a nonprofit~~
13 ~~agency for traffic violator school administration and monitoring~~
14 ~~services in which all traffic violator schools licensed by the~~
15 ~~department are allowed the opportunity to participate, a statewide~~
16 ~~referral list may be published by the nonprofit agency and~~
17 ~~distributed by the court. The agency shall monitor each classroom~~
18 ~~location situated within the judicial districts in which that agency~~
19 ~~provides services to the courts and is represented on its referral list.~~
20 ~~The monitoring shall occur at least once every 90 days with reports~~
21 ~~forwarded to the department and the respective courts on a~~
22 ~~monthly basis.~~

23 ~~(e) The court may charge a traffic violator a fee to defray the~~
24 ~~costs incurred by the agency for the monitoring reports and~~
25 ~~services provided to the court. The court may delegate collection~~
26 ~~of the fee to the agency. Fees shall be approved and regulated by~~
27 ~~the court. Until December 31, 1996, the fee shall not exceed the~~
28 ~~actual cost incurred by the agency or five dollars (\$5), whichever~~
29 ~~is less.~~

30 ~~(f) If any provision of subdivision (d) or (e) of Section 11205,~~
31 ~~as added by Section 4 of Assembly Bill 185 of the 1991-92~~
32 ~~Regular Session, or the application thereof to any person, is held~~
33 ~~to be unconstitutional, that Section 11205 is repealed on the date~~
34 ~~the decision of the court so holding becomes final, and on that date,~~
35 ~~this section shall become operative.~~

36 SEC. 10. Section 11205 is added to the Vehicle Code, to read:

37 11205. (a) Each traffic violator school owner shall submit a
38 proposed name to the department, on a form approved by the
39 department, and request a separate name approval for each method

1 of instruction that the traffic violator school plans to offer. The
2 department shall not impose a fee under this subdivision.

3 (b) The department shall have 30 days to act on the request for
4 name approval. If the department fails to act within 30 days of
5 receipt by the department of the application for name approval,
6 then the proposed name shall be deemed approved by the
7 department for use by the traffic violator school for all purposes.

8 (c) In making a determination under this section whether or not
9 to approve a proposed name, the department shall use as its criteria
10 whether the proposed name is misleading to the public,
11 undignified, or implies that the applicant offers inducements or
12 premiums that derogate or distort the instructional intent of the
13 traffic safety program.

14 (d) If the department approves the proposed name, it shall
15 notify the applicant of its decision within the time period set forth
16 in subdivision (b).

17 (e) (1) Whenever the department determines, pursuant to
18 subdivision (c), that the proposed name is inappropriate, the
19 department shall immediately notify the applicant that the
20 department has disapproved the proposed name. In its written
21 notice to the applicant of its decision to reject the proposed name,
22 the department shall set forth the specific basis, rationale, and
23 supporting evidence for the department's decision. A recital of the
24 criteria set forth in subdivision (c) is not sufficient to meet this
25 requirement.

26 (2) If requested by the applicant, or its representative, the
27 department shall schedule a hearing for that applicant at which the
28 sole issue shall be whether the name violates the standards set forth
29 in subdivision (c).

30 (3) The department shall make every effort to schedule,
31 conduct, and complete a hearing within 60 days of receipt of the
32 traffic violator school owner's request for a hearing.

33 (f) A substitute proposed name may be submitted, pursuant to
34 this section, to the department for approval at any time before or
35 after the conclusion of the hearing. The department shall, within
36 30 days of receipt of the request for approval of the substitute
37 name, inform the owner-applicant, on a form approved by the
38 department, of its approval or rejection of the substitute name. The
39 owner-applicant may continue this appeal process for approval of



1 a substitute name until the department determines that the name
2 does not violate the standards set forth in subdivision (c).

3 (g) A decision by the department to reject a proposed name or
4 substitute name may be reviewed by any court of competent
5 jurisdiction.

6 SEC. 11. Section 11205.1 of the Vehicle Code is repealed.

7 ~~11205.1. The fee authorized in subdivision (m) of Section~~
8 ~~11205 shall be applicable only in those instances where a traffic~~
9 ~~violator has agreed to attend or has been ordered to attend a traffic~~
10 ~~violator school pursuant to Section 42005, a licensed driving~~
11 ~~school, or any other court-approved program for driving~~
12 ~~instruction.~~

13 SEC. 12. Section 11205.1 is added to the Vehicle Code, to
14 read:

15 11205.1. The department shall publish a list of the owners and
16 operators of traffic violator schools licensed by the department. At
17 least one copy shall be provided to each superior court in the state.
18 This list shall be revised at least quarterly and transmitted to the
19 courts to together with, and at the same time as, the referral list
20 published pursuant to Section 11205.2. The list published pursuant
21 to this section shall be divided into Part 1, listing traffic violator
22 schools that offer the classroom method of instruction, and Part 2,
23 listing traffic violator schools that offer the home study method of
24 instruction, and shall include all of the following:

25 (a) The department approved name of each traffic violator
26 school.

27 (b) The business office address of the traffic violator school.

28 (c) The business office telephone number of the traffic violator
29 school.

30 (d) The license number of the traffic violator school.

31 (e) The traffic violator school owner's name.

32 (f) The traffic violator school operator's name.

33 (g) The traffic violator school's Web site address, if any.

34 (h) If the traffic violator school uses a home study method of
35 instruction, the mode of instruction offered.

36 SEC. 13. Section 11205.2 is added to the Vehicle Code, to
37 read:

38 11205.2. (a) The department shall publish a referral list of all
39 traffic violator schools whose names are approved pursuant to
40 Section 11205 that, in Part 1, includes all of the approved locations

1 of traffic violator school classrooms and, in Part 2, includes a list
2 of the traffic violator schools that offer programs by the home
3 study method of instruction, using the names approved by the
4 department pursuant to Section 11205. The department shall
5 transmit the referral list to each superior court in the state, in
6 sufficient quantity to allow the courts to provide a whole,
7 nonexcerpted copy to each person referred by the court to a traffic
8 violator school pursuant to Section 42005. The list shall be revised
9 at least monthly, or more often as necessary to serve the purposes
10 of this chapter, and transmitted to the courts by the first day of each
11 month. The following statement shall appear in bold type at the top
12 of each page of the referral list:

13 **NOTICE: All traffic violator school classes are required by state**
14 **law to be the equivalent of a minimum of 240 minutes of traffic**
15 **safety instruction.**

16 (b) (1) Part 1 of the referral list shall list only traffic violator
17 schools offering the classroom method of instruction and shall
18 include all of the following of each school:

19 (A) The name of the traffic violator school.

20 (B) A telephone number to be used by students for information.

21 (C) The name of the county and judicial district for each
22 approved classroom location.

23 (D) The name of the cities where classrooms are available in
24 each judicial district.

25 (E) An Internet Web site address, if the school has one.

26 (2) Each traffic violator school listed in Part 1 shall appear by
27 name and shall be permitted one department-approved school
28 name in a judicial district.

29 (3) Part 1 of the referral list shall be organized alphabetically
30 in sections for each county and in subsections for each judicial
31 district within the county. The name of a traffic violator school
32 shall appear in each judicial district in which the school has an
33 approved classroom location. The order of the traffic violator
34 school names listed within each judicial district shall be random
35 pursuant to the department's development and implementation of
36 a system of computer generated, randomly selected numbers.

37 (c) (1) Part 2 of the referral list shall list only traffic violator
38 schools offering the home study method of instruction and shall
39 include all of the following for each school:

40 (A) The name of the traffic violator school.



1 (B) A telephone number to be used by students for information.

2 (C) An Internet Web site address, if any, using the name
3 approved by the department pursuant to Section 11205.

4 (D) The mode of home study instruction the school has been
5 authorized by the department to use.

6 (2) Each traffic violator school shall appear by name and shall
7 be permitted one name on the list.

8 (3) Part 2 of the list shall be organized in one section for the
9 entire state. The order of the names of the traffic violator schools
10 shall be random pursuant to the department's development and
11 implementation of a system of computer generated, randomly
12 selected numbers.

13 (d) Each court shall use the current referral list of licensed
14 traffic violator schools, published by the department, when the
15 court orders a person to complete a course in traffic safety
16 instruction pursuant to Section 42005.

17 SEC. 14. Section 11205.3 is added to the Vehicle Code, to
18 read:

19 11205.3. (a) A court may use or contract with a public or
20 private nonprofit agency to assist the court in performing in-court
21 administrative services related to the processing of traffic
22 violators. A process of competitive negotiations shall be used to
23 select any public or private nonprofit agency or entity utilized by
24 a court to assist in performing these in-court administrative
25 services. As used in this section, "in-court administrative
26 services" includes those administrative clerical services relating
27 to the processing of traffic violators at and for the court, and does
28 not include any services or functions performed by the department,
29 for which the department has responsibility, or over which the
30 department has regulatory power.

31 (b) In providing its in-court administrative services to a court,
32 a public or private nonprofit agency used by the court may not
33 perform or duplicate any service or function of approval,
34 licensing, auditing, monitoring, investigating, imposition of
35 sanctions, regulating, printing of referral, owner, and operator
36 lists, or any other service or function of the department set forth
37 in this chapter, or the department's regulations, related to traffic
38 violator schools. A public or private nonprofit agency utilized by
39 a court may not issue certificates of completion or provide testing
40 services for a licensed traffic violator school.

(c) The court may charge the traffic violator a fee to defray the costs incurred by the agency to provide the in-court administrative services to the court. Fees shall be established, approved, and regulated by the court. If a fee is imposed, it shall be collected by the court from the traffic violator. The court may delegate collection of the fee to the agency. Any fee authorized by this subdivision shall be applicable only in those cases where a traffic violator has agreed to attend or has been ordered to attend a course of traffic safety instruction pursuant to Section 42005. The fee shall not apply to those nonviolation person who elect to attend a traffic violator school pursuant to Section 11200.

(d) This section does not prevent courts from entering into contracts with public or private nonprofit agencies to provide administrative services to a court other than those described in subdivision (a), if these services do not conflict with the other limitations set forth in this chapter.

SEC. 15. Section 11208 of the Vehicle Code is amended to read:

11208. (a) Fees for issuance by the department of a license to a traffic violator school owner shall be as follows:

(1) For the original license or an ownership change which requires a new application, except as provided by Section 42231, a fee of one hundred fifty dollars (\$150), with an additional fee of seventy dollars (\$70) for each separate traffic violator school branch or classroom location licensed. The ~~fee fees~~ prescribed by this subdivision ~~is~~ *are* nonrefundable.

(2) For annual renewal of the license for a traffic violator school and for each branch ~~or classroom~~ location, a fee of fifty dollars (\$50).

(3) If alteration of an existing license is required by a firm name change, a change in corporate officer structure, address change, or the addition of a traffic violator school branch or classroom location, a fee of seventy dollars (\$70).

(4) For replacement of the license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(b) Fees for the issuance by the department of a license for a traffic violator school operator shall be as follows:

(1) For the original license, a nonrefundable fee of one hundred dollars (\$100).

(2) For annual renewal of the license, a fee of fifty dollars (\$50).

(3) If alteration of an existing license is caused by a change in the name or location of the established principal place of business of the traffic violator school operated by the licensee, including a transfer by a licensee from one traffic violator school to another, a fee of fifteen dollars (\$15).

(4) For replacement of the license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(c) Fees for the issuance by the department of a license for a traffic violator school instructor shall be as follows:

(1) For the original license, except as provided by Section 42231, a nonrefundable fee of thirty dollars (\$30).

(2) For the triennial renewal of a license, a fee of thirty dollars (\$30).

(3) If alteration of an existing license is required by a change in the ~~instructor's employing school's~~ name or location of *the traffic violator school employing the instructor*, or by the transfer of the instructor's license to another employing *traffic violator* school, a fee of fifteen dollars (\$15).

(4) For replacement of the instructor's license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(d) The department shall charge a *certificate* fee, ~~not to exceed~~ of three dollars (\$3), for each completion certificate issued by a traffic violator school to each person referred by a court pursuant to Section 42005 and completing instruction at the traffic violator school. ~~The amount of the fee shall be determined by the department and shall be a fee sufficient to defray the actual costs incurred by the department for publication and distribution of lists of schools for traffic violators pursuant to Section 11205, for monitoring instruction, business practices, and records of schools for traffic violators and for any other activities deemed necessary by the department to assure high quality education for traffic violators. The clerk of the court shall collect this three dollar (\$3) certificate fee from the traffic violator at the same time the clerk collects the fee set forth in Section 42007.1, and shall transmit the collected fees to the department within 30 days after the first day of each quarter.~~ Upon satisfactory completion of the instruction offered by a licensed traffic violator school, the traffic violator

1 school shall provide the student referred by a court pursuant to
2 Section 42005 with a certificate of completion furnished by the
3 department *to the traffic violator school. The department shall*
4 *make available a three-part completion certificate suitable for*
5 *traffic violator schools using the classroom method of instruction,*
6 *and a laser-compatible completion certificate suitable for traffic*
7 *violator schools using the home study method of instruction. A*
8 *traffic violator school may obtain from the department and use*
9 *either, or both, types of completion certificates. If determined*
10 *feasible by the department, the department may permit traffic*
11 *violator schools to acquire completion certificates from the*
12 *department's Web site or from other sources developed by the*
13 *department. A certificate of completion furnished by the*
14 *department shall not be issued to a person who elects to attend a*
15 *traffic violator school. A traffic violator school shall not charge a*
16 *fee in excess of the fee charged by the department pursuant to this*
17 *subdivision for furnishing a certificate of completion. A traffic*
18 *violator school may charge a fee not to exceed three dollars (\$3),*
19 *in addition to the fee charged by the department for the issuance*
20 *of a duplicate certificate of completion. A student referred by a*
21 *court pursuant to Section 42005 shall present this certificate of*
22 *completion to the court as proof of completion of instruction, and*
23 *no other proof of completion of instruction may be accepted by the*
24 *court.*

25 ~~(e) The department shall compile its actual costs incurred to~~
26 ~~determine the fee prescribed in subdivision (d) and make available~~
27 ~~its financial records used in the determination of the fee for~~
28 ~~completion certificates. The fee shall be adjusted every~~
29 ~~odd-numbered year based upon the costs incurred during the~~
30 ~~preceding two fiscal years. The records described in this~~
31 ~~subdivision are public records. Instead, the traffic violator school~~
32 ~~shall issue a letter of completion to a person who elects to attend~~
33 ~~the school.~~

34 (e) (1) Each traffic violator completing a course in traffic
35 safety shall demonstrate the extent of his or her knowledge of the
36 course material by completing an exit test as a condition of
37 receiving the certificate of completion. The exit test shall be
38 developed by each traffic violator school to meet the criteria
39 designated by the department. The test scores shall be retained by
40 the traffic violator school as part of its recordkeeping. The



1 department shall develop procedures for the administration of the
2 exit test by and for each mode of instruction under the home study
3 method of instruction.

4 (2) To prevent potential identification fraud, the department
5 shall develop procedures to require verification of the identity of
6 persons taking and completing a home study method of instruction
7 and the identity of the person actually taking the home study
8 method of instruction exit test. The department shall develop
9 regulations that require traffic violator schools that use the home
10 study method of instruction to verify the identity of persons taking
11 courses and completing the exit test. In developing these
12 regulations, the department shall consider technologies,
13 including, but not limited to, personal registration questions,
14 biometrics, voice recognition, and digital signatures.

15 (3) The department shall also require traffic violators
16 completing a course of traffic safety instruction by the home study
17 method of instruction to indicate, under penalty of perjury, that
18 they personally completed the home study course and the final
19 examination.

20 (f) The department shall require the traffic violator to
21 personally deliver or mail the completion certificate to the court.
22 A traffic violator referred by a court pursuant to Section 42005
23 shall present this certificate of completion to the court as proof of
24 completion of instruction, and no other proof of completion of
25 instruction submitted by him or her may be accepted by the court,
26 except as provided in subdivision (h).

27 (g) The department shall maintain records of the number of
28 persons annually completing traffic violator schools by method of
29 instruction, based on factors including classroom, textbook, video,
30 Internet Web sites, and any other approved mode.

31 (h) A traffic violator school may charge a fee not to exceed
32 fifteen dollars (\$15) for the issuance of a duplicate certificate of
33 completion requested by the traffic violator. The traffic violator
34 shall present this certificate of completion to the court as proof of
35 completion of instruction, and no other proof of completion of
36 instruction may be accepted by the court, except as provided in
37 subdivision (f).

38 (i) The fees collected by the department pursuant to this section
39 shall be expended for the following:

(1) *The costs to the department to license and regulate traffic violator schools. Those costs may include, but are not limited to, initial program costs and costs associated with implementing the act adding this subdivision.*

(2) *The costs to the department of printing and distributing to the courts the list of owners and operators and the referral list published pursuant to Sections 11205.1 and 11205.2.*

(3) *The costs to the department, commensurate with the revenues generated by the fees collected, for the staffing and resources pursuant to Section 11214 to audit and monitor traffic violator schools.*

SEC. 16. Section 11212 of the Vehicle Code is amended to read:

11212. (a) Every owner licensed under this chapter shall keep a record at the traffic violator school's primary business location showing all of the following for each student:

(1) The name ~~and~~, address, and license number of the traffic violator school providing instruction.

(2) The name and address of each person given instruction.

(3) The instruction permit number or driver's license number of every person given instruction.

(4) ~~The~~ *If applicable, the* name and number of the license issued pursuant to Section 11207 of the traffic violator school instructor.

(5) The particular type of instruction given and the date or dates of the instruction.

(6) A statement as to whether the approved *curriculum or* lesson plan was followed.

(7) The total number of hours of instruction.

(8) The total cost to the student of the instruction, which shall not exceed the amount of the fee represented or advertised by the traffic violator school at the time of the student's enrollment.

(9) The court docket, *case, or citation* number under which the student was referred to a traffic violator school.

(10) The number of the completion certificate issued to the student pursuant to subdivision ~~(e)~~ (d) of Section 11208 and, if different, the number of any copy thereof issued to the student.

(b) The records shall be retained for a minimum of three years and shall be open to the inspection during business hours and at all other reasonable times by the department, the court, a private

1 entity providing monitoring pursuant to Section 11222, the
2 Legislative Analyst, and the State Auditor or authorized
3 employees thereof, but shall be only for confidential use.

4 (c) Whenever a licensee suspends or terminates the licensed
5 activity, the licensee shall surrender the records specified in
6 subdivision (a) to the department for examination not later than the
7 end of the third day, excluding Saturdays, Sundays, and legal
8 holidays, after the date of suspension or termination. The
9 department may duplicate or make a record of any information
10 contained therein. All these records shall be returned to the
11 licensee not later than 30 days after the date of surrender.

12 (d) The address of any person kept pursuant to paragraph (2) of
13 subdivision (a) shall only be used by the school for school
14 administrative purposes.

15 SEC. 17. Section 11214 of the Vehicle Code is amended to
16 read:

17 11214. The department ~~may monitor any school for traffic~~
18 ~~violators, including any traffic violator school branch or~~
19 ~~classroom location, without advance notice shall have the~~
20 ~~exclusive authority to monitor all licensed traffic violator schools.~~
21 The monitoring ~~may~~ shall include, but is not limited to, ~~the~~
22 ~~instruction provided, business practices, and business records~~
23 ~~auditing the business records of a licensee, monitoring the traffic~~
24 ~~safety instruction provided by a licensee, and inspecting the~~
25 ~~facilities, programs, and business practices of a licensee. The~~
26 ~~department may annually audit the class records of a licensee. To~~
27 ~~the extent funding is available, the department shall endeavor to~~
28 ~~monitor one traffic safety class of a licensee at least once every 60~~
29 ~~days in each county in which a licensee provides traffic safety~~
30 ~~instruction. The department's monitoring of a licensee's course of~~
31 ~~traffic safety instruction may be conducted without advance notice~~
32 ~~to the licensee. The department shall provide the resources and~~
33 ~~staffing for these monitoring functions that are commensurate with~~
34 ~~the revenues generated by the fees collected by the department~~
35 ~~pursuant to Section 11208.~~

36 SEC. 18. Section 11215.5 of the Vehicle Code is amended to
37 read:

38 11215.5. The department, after notice and hearing, may also
39 suspend or revoke any license issued under this chapter when any
40 of the following circumstances exist:

1 (a) If the main business office of the traffic violator school is
2 ~~located in any county with a population of 400,000 or more in~~
3 ~~which the traffic violator school conducts its instructional~~
4 ~~program, and the main business office does not maintain office~~
5 hours during the time that the day courts in that county are open
6 for business. This subdivision shall not apply to public schools.

7 (b) If the licensee is found by the department to be selling, or
8 knowingly permitting the sale of, completion certificates.

9 (c) If the licensee is found by the department to be intentionally
10 cutting instructional time short.

11 (d) If the licensee is found by the department to be intentionally
12 diverting any student to a traffic school other than the school
13 initially contacted by that student, without disclosure to that
14 student, ~~through the use of the department's list of licensed traffic~~
15 ~~violator schools. For purposes of this subdivision, the disclosure~~
16 *requirement is satisfied if a student consents to the diversion.*

17 SEC. 19. Section 11216.2 of the Vehicle Code is amended to
18 read:

19 11216.2. ~~(a)~~ Any license issued to the owner or operator of
20 a traffic violator school under this chapter ~~shall~~ *may* be
21 automatically suspended for 30 days by the department if the
22 department has been notified that more than one final
23 determination has been made that the traffic violator school has
24 violated a student's rights under the federal Americans with
25 Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.) or any
26 other federal or state law prohibiting discrimination against
27 individuals with disabilities. The final determination shall be
28 made by a federal or state court of competent jurisdiction or an
29 appropriate federal or state administrative agency, including, but
30 not limited to, the Department of Fair Employment and Housing,
31 or any combination thereof.

32 For the purpose of this subdivision, "final determination"
33 means that no further appeal of a determination can be taken to any
34 court because the time period for the appeal has expired.

35 ~~(b) If a traffic violator school subject to suspension under this~~
36 ~~section is operated by a traffic school operator licensed pursuant~~
37 ~~to Section 11202.5 who is operating other traffic schools, the~~
38 ~~licenses of the owners of those traffic schools operated by that~~
39 ~~traffic school operator also shall be suspended for the 30-day~~
40 ~~period.~~

SEC. 20. Section 11219.5 of the Vehicle Code is amended to read:

11219.5. A traffic violator school shall issue a receipt for any fee collected by the traffic violator school from any person who registers for ~~or~~, attends, or ~~both~~, *completes a program of traffic safety instruction at, or from, the traffic violator school. A licensee under this chapter may not be required to provide a course of traffic safety instruction to a person for a fee that is less than the standard fee normally charged by the licensee for its course of traffic safety instruction.*

SEC. 21. Section 11222 of the Vehicle Code is amended to read:

11222. The department may contract with a ~~nongovernmental public or private nonprofit~~ entity to administer any part of this chapter, subject to limitations in other laws regarding contracting out for services. ~~No A contract shall may not exceed three two~~ years' duration. The contracting entity, ~~and any affiliate or subsidiary thereof monitoring traffic violator schools,~~ shall conform to all of the following requirements:

(a) Engage in no other business activity with ~~a traffic violator schools school~~ or any ~~of the principals principal~~ of ~~the a~~ traffic violator ~~schools school~~, including the provision of services or supplies.

(b) Provide reports in statistical form to the department and to the Legislature as instructed by the department. These reports shall be issued not less frequently than annually.

(c) Make its records available for inspection by authorized representatives of the department, the Legislative Analyst, and the State Auditor.

(d) *The public or private nonprofit entity may not engage in a contract with a court pursuant to Section 11205.3.*

(e) *The public or private nonprofit entity may not subcontract any obligations it may have under this contract with the department.*

SEC. 22. Section 41501 of the Vehicle Code is amended to read:

41501. The court may order a continuance of a proceeding against a person, who receives a notice to appear in court for a violation of any statute relating to the safe operation of a vehicle, in consideration for ~~attendance at a licensed school for traffic~~

~~violators, a licensed driving school, or any other court-approved program of driving instruction, and, completion of a program of traffic safety instruction at a department licensed traffic violator school, and after that attendance completion of the program, the~~
court may dismiss the complaint under the following conditions:

(a) If the offense is alleged to have been committed within 12 months of another offense that was dismissed under this section, the court may order the continuance and, after the ~~attendance completion of a course of traffic safety instruction at a traffic violator school that offers a program of at least eight hours of instruction,~~ dismiss the complaint. ~~The court may order attendance at a licensed school for traffic violators that offers a program of at least 12 hours of instruction.~~

(b) If the offense is not alleged to have occurred within 18 months of another offense that was dismissed under this section, the court may order the continuance and, after the ~~attendance completion of the program,~~ dismiss the complaint if the ~~attendance completion of the program~~ is at any of the ~~types of traffic violator schools or programs~~ that the court directed pursuant to Section 42005 at the time of ordering the continuance.

SEC. 23. Section 42005 of the Vehicle Code is amended to read:

42005. (a) The court may order any person convicted of a traffic violation to attend *and complete a course of traffic safety instruction at* a traffic violator school licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

(b) In lieu of adjudicating a traffic offense, and with the consent of the defendant, or after conviction of a traffic offense, the court may order any person issued a notice to appear for a traffic violation to attend *and complete a course of traffic safety instruction at* a traffic violator school licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

~~(c) Except as otherwise provided in subdivision (d), any~~ Any person so ordered may choose the traffic violator school the person will attend. The court shall ~~make available~~ *provide* to each person subject to ~~such an~~ *the order a whole, nonexcepted copy of the* current *referral* list of traffic violator schools published by the department pursuant to Section ~~4205~~ *11205.2*.

~~(d) In those counties where, prior to January 1, 1985, one or more individual courts, or the county acting on behalf of one or~~

~~more individual courts, contracted for the provision of traffic safety instructional services to traffic violators referred by the court pursuant to a pretrial diversion program, the courts may restrict referrals under this section to those schools for traffic violators or licensed driving schools which are under contract with the court or with the county to provide traffic safety instructional services for persons referred pursuant to subdivision (a).~~

~~(e) A county described in Section 28023 of the Government Code may continue to provide the program authorized by this section in accordance with the provisions of current and future contracts as may be amended and approved by the individual courts within that county and the county shall be exempt from state regulations relative to maximum classroom attendance.~~

~~(f) Notwithstanding subdivision (b), a court may not order a person to attend or complete a program of traffic safety instruction at a traffic violator school in lieu of adjudicating an offense if the person was issued a notice to appear for a serious traffic violation, as defined in subdivision (i) of Section 15210, that occurred in a commercial motor vehicle, as defined in subdivision (b) of Section 15210.~~

~~(g)~~

~~(e) Any person who willfully fails to comply with a court order to attend and complete a program of traffic safety instruction at a traffic violator school is guilty of a misdemeanor.~~

SEC. 24. Section 42005.1 of the Vehicle Code is amended to read:

42005.1. The court may order any person designated to attend ~~a and complete a program of traffic safety instruction at a~~ traffic violator school to ~~instead~~ participate in a study of traffic violator schools licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5. ~~The person's participation in that study constitutes attending a court-supervised program of traffic safety instruction for purposes of Section 42007.~~

SEC. 25. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 ~~or who attends any other court-supervised program of traffic safety instruction.~~ The fee shall be in an amount equal to the total bail set forth for the eligible

1 offense on the uniform countywide bail schedule. As used in this
2 subdivision, “total bail” means the amount established pursuant
3 to Section 1269b of the Penal Code in accordance with the
4 Uniform Statewide Bail Schedule adopted by the Judicial Council,
5 including all assessments, surcharges, and penalty amounts.
6 Where multiple offenses are charged in a single notice to appear,
7 the “total bail” is the amount applicable for the greater of the
8 qualifying offenses. However, the court may determine a lesser fee
9 under this subdivision upon a showing that the defendant is unable
10 to pay the full amount.

11 The fee shall not include the cost, or any part thereof, of traffic
12 safety instruction offered by the *traffic violator school* ~~or other~~
13 ~~program~~.

14 (b) Revenues derived from the fee collected under this section
15 shall be deposited in accordance with Section 68084 of the
16 Government Code in the general fund of the county and, as may
17 be applicable, distributed as follows:

18 (1) In any county in which a fund is established pursuant to
19 Section 76100 or 76101 of the Government Code, the sum of one
20 dollar (\$1) for each fund so established shall be deposited with the
21 county treasurer and placed in that fund.

22 (2) In any county that has established a Maddy Emergency
23 Medical Services Fund pursuant to Section 1797.98a of the Health
24 and Safety Code, an amount equal to the sum of each two dollars
25 (\$2) for every seven dollars (\$7) that would have been collected
26 pursuant to Section 76000 of the Government Code shall be
27 deposited in that fund. Nothing in the act that added this paragraph
28 shall be interpreted in a manner that would result in either of the
29 following:

30 (A) The utilization of penalty assessment funds that had been
31 set aside, on or before January 1, 2000, to finance debt service on
32 a capital facility that existed before January 1, 2000.

33 (B) The reduction of the availability of penalty assessment
34 revenues that had been pledged, on or before January 1, 2000, as
35 a means of financing a facility which was approved by a county
36 board of supervisors, but on January 1, 2000, is not under
37 construction.

38 (c) For fees resulting from city arrests, an amount equal to the
39 amount of base fines that would have been deposited in the
40 treasury of the appropriate city pursuant to paragraph (3) of

subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.

~~(d) As used in this section, “court-supervised program” includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.~~

~~(e) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator’s school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.~~

~~(f) The clerk of the court, in a county that offers traffic violator school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic violator school attendance the following statement:~~

NOTICE: If you are eligible and decide not to attend *and complete* traffic violator school your automobile insurance may be adversely affected.

SEC. 26. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.